

**Administrative Procedures
for
Electronically Filed Cases and Related Documents**



**United States Bankruptcy Court
for the
Eastern and Western Districts of Arkansas**

**Version 1
December 17, 2001**

**UNITED STATES BANKRUPTCY COURT
EASTERN & WESTERN DISTRICTS OF ARKANSAS**

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. Designation of Cases

The court so designates that all cases and documents filed in the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas shall be maintained on the Case Management/Electronic Case Filing System (“System”) in electronic format. Cases maintained in paper format at the time the court converts to the System shall be maintained in paper format for those documents filed before the conversion and in electronic format for all documents filed after the conversion. The current timeline for acceptable filing formats may be viewed at the court’s Website www.arb.uscourts.gov.

B. Login and Passwords

Each attorney is required to use a login and password assigned by the court to participate in the electronic filing of pleadings and other papers in accordance with the System. Logging onto the System using the assigned login and password constitutes the attorney’s original signature on all documents and actions unless otherwise required by the court.

C. Registration

1. Anyone wishing to view documents and court dockets on the System from a location other than the Clerk’s Office **must** have an account on the Public Access to Court Electronic Records (PACER) system. Attorneys who will be filing documents on the System must have a PACER account and a login and password assigned by the court as described below. To establish a PACER account go to www.pacer.psc.uscourts.gov or link to WebPacer from our website. For public access see III (A) below.
2. In addition to PACER registration, each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form and a Credit Card Blanket Authorization Form. The forms are available on the court’s Website and in the Clerk’s Office in Little Rock and Fayetteville.
3. All signed Registration Forms and Credit Card Forms shall be mailed to the ECF Help Desk, U.S. Bankruptcy Court, P.O. Box 3777, Little Rock, AR 72203 or delivered to the Bankruptcy Clerk’s Office in Little Rock or Fayetteville in a sealed envelope marked “Attn: ECF Help Desk.”

4. Upon approval of the Credit Card Blanket Authorization Form and completion of training on the System, each attorney will receive a System login and password.
5. If an attorney allows his/her employees to access the System using the attorney's login and password, the attorney is responsible for all applicable charges and any documents filed will be deemed authorized and signed by the attorney.
6. If an attorney realizes her/his password has been compromised, the attorney should notify the ECF Help Desk. If the Clerk notices that an attorney's password has been compromised, the ECF Help Desk will notify the attorney. In all cases, the Clerk will make necessary corrections to the System and establish a new login and password for the attorney.
7. Once registered, an attorney may withdraw from participation in the System by providing the ECF Help Desk with written notice of such withdrawal. Upon receipt, the ECF Help Desk will immediately cancel the attorney's login and will delete the attorney's name from any applicable electronic service list.
8. If any of the information on the Registration changes, i.e., mailing address, e-mail address, etc., the attorney shall log onto the system and make the changes by accessing the "Utility" menu and selecting "Maintain Your ECF Account." Additional information is available in the *ECF User Manual* or by selecting the Help button "?" from the menu after selecting "Maintain Your ECF Account." Attorneys registered with the BNC for noticing purposes must also notify the BNC if their delivery information changes. Attorneys not registered on the System must follow the applicable procedures for changing information such as address.

II. FILING AND SERVICE OF DOCUMENTS

A. Filing

1. All petitions, motions, pleadings, memoranda of law, or other documents that are required to be filed with the court in connection with any case may be filed electronically on the System, unless specifically prohibited. Specific documents may be required in electronic format as noted in these Administrative Procedures or as ordered by a Judge.

a) Format

All electronic documents, except as noted below, must be submitted in Portable Document Format (PDF) as created by Adobe Acrobat. Any exception to this rule will be specifically noted in these Administrative Procedures, or ordered by a Judge.

b) Medium

Documents in electronic format may be submitted to the court on 3.5-inch “floppy” disk, CD Rom, or by direct submission to the court over the Internet through the System. This final option is available only to those who are registered on the System and have received a login and password. Submission of electronic documents on any other medium or by other means must be arranged with the Clerk. A “floppy” disk, CD Rom, or other tangible medium should contain documents for one bankruptcy case only. The disk should be labeled with the name and phone number of the attorney, case number, and identification of documents contained on the disk, i.e. Relief from Stay, Proposed Order.

c) Size Limit

Documents filed on the System over the Internet cannot exceed 2 megabytes in size. Documents that are scanned into PDF format should not exceed 40 pages. Any document that exceeds these limits should be broken into multiple pdf files and filed on the system as a document and attachment(s).

2. Date/Time Filed

Because the system is a “real-time” system, the receipt of filing will show the actual date and time a document was filed on the system. Documents submitted electronically on the system outside of normal office hours will be deemed filed on the date and time received. For example, if a document is received at 8:30 PM on Sunday, July 7, 2002, the receipt of filing will show that date and time.

3. Creditor Lists

From the effective date of these Administrative Procedures, all creditor lists must be provided to the court in electronic format as described herein. Creditor lists in electronic format may be submitted on 3.5-inch “floppy” disk, CD Rom, or by direct submission to the court over the Internet through the System. The floppy or CD should be labeled with the name of the attorney, the debtor, and the date. The file shall be in the ASCII file format with an appropriate text extension (.txt). If a paper copy of the list is included with a self-addressed stamped envelope the clerk will return paper copy after stamping it as received. Instructions for creating an ASCII file are available from the Clerk’s Office and on the court’s Internet site. The creditor list, also called a matrix, should meet the following specifications:

- a) The name and address of each creditor must be four (4) lines or fewer.

- b) Each line may contain no more than 40 characters including blanks.
- c) Names and addresses should be left justified (no leading spaces).
- d) If attention lines are used, they should appear on the second line of the address.
- e) City, state, and ZIP code must be on the last line.
- f) All states must be two-letter abbreviations.
- g) If a nine-digit ZIP code is used, a hyphen must separate the first five digits from the last four digits.
- h) Each creditor must be separated by at least one blank line.
- i) Do not include page numbers, line numbers, headers, footers, etc. in the document.

Pro se debtors and attorneys who do not have access to a computer to create a creditor list may complete a waiver form, available at the Clerk's Office or on the Internet website, and submit a paper list of creditors. Anyone wishing to do so may use public computers in the Clerk's Office to create creditor lists on diskette.

- 4. When filing expedited matters, the filing attorney shall immediately advise the judge's courtroom deputy clerk of the filing by phone or fax. The telephone and fax numbers for the courtroom deputies are available on the court's Website at www.arb.uscourts.gov.

B. Service

- 1. Whenever a pleading or other paper is filed electronically in accordance with these Procedures, the System will automatically generate a "Notice of Electronic Filing" and send it via electronic mail at the time of docketing. The filer will be notified of the parties to whom the electronic notice was sent.
- 2. The filing attorney shall serve the pleading or other paper upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the rules, the filing attorney may make service in accordance with Paragraph II (B)(3).
- 3. An attorney filing a pleading or other paper electronically may serve the "Notice of Electronic Filing" by electronic means and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage prepaid, *if and only if* the recipient of notice or service

is a registered participant in the System and has agreed, in the System registration, to accept such service in lieu of service by first class mail.

4. At this time, the court shall continue to notice using the Bankruptcy Noticing Center (BNC).

C. Signatures

1. All pleadings and other papers and documents electronically filed shall either contain a scanned image of any signature(s) therein or indicate the signature by putting "/s/" and the name of the signatory where the original signature occurs.
2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. 1746 may be filed electronically by attorneys registered in the System. The attorney who files such a pleading or other document shall retain the originally executed document for audit purposes for a period of no less than three years after the case had been closed. For purposes of the Bankruptcy Court, the electronic copy shall be deemed the original.

D. Fees Payable to the Clerk

Prior to the electronic filing of any pleading or paper requiring a filing fee, a Credit Card Blanket Authorization Form, which is available on the court's Website, must have been received and approved by the Financial Specialist of the Office of the Clerk. When a fee payment is required with a filing, the attorney will be notified in the filing process and the court will process a charge against the approved credit card the following business day.

E. Orders

1. Proposed Orders

A proposed form of order granting the relief requested shall be submitted with every motion and other pleading requesting relief (e.g., an application or objection to claim) filed electronically. Such pleadings shall include the proposed order as the final page(s) of the filing and not as a separate document. The title line of the order shall begin with the word "Proposed". The purpose of including proposed orders as an attachment is to afford notice to parties in interest of the scope of the relief sought by the movant. This is not intended to serve as official notice in and of itself. The actual order to be signed by the court will be submitted in accordance with the procedures outlined below.

2. Submitting Orders

- a) Moving parties submitting orders electronically must separately submit, in PDF format, a form of order for entry by the court for each pleading for which relief is requested. Orders will be submitted to the court electronically by attaching them to e-mail sent to an address specific to each Judge. The address and specific procedures will be covered when an attorney is trained on the System by the court. Orders submitted electronically will require a specific description of the matter in the subject line of the e-mail transmitting the order.
- b) If approved, the Judge's signature will be added to the order and the order will be docketed to the System in chambers.
- c) If the order is not approved, it will be returned via e-mail to the submitting party with an explanation of its rejection.

F. Documents to be Filed Under Seal

A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally and only after the motion is granted. The Clerk will electronically enter the order of the court authorizing the filing of such document(s) under seal and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Clerk at the time of the filing of the document(s). These documents will be maintained under seal in original format (paper) by the Clerk's Office.

G. Title of Docket Entries

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court and in accordance with the *ECF User Manual*.

H. Correcting Docket Entries

Once a document is submitted and becomes part of the case docket; corrections to the docket are made only by the Clerk.

I. Technical Failures

A Registered User of the System whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

Difficulties connecting to the System should be reported to the court by contacting the ECF Help Desk at 501-918-5590.

III. PUBLIC ACCESS TO THE SYSTEM'

A. Public Access at the Court

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at the Clerk's Office in Little Rock and Fayetteville during regular business hours.

B. Internet Access

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records (PACER) system and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the PACER Website at www.pacer.psc.uscourts.gov (which can also be reached from the WebPacer link on the court's website - www.arb.uscourts.gov) and at each staffed Divisional Office of the Clerk.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.